

Good Afternoon, My name is Mark Docherty and I am president of the Michigan Professional Fire Fighters Union representing over 5000 professional fire fighters and their families in Michigan. I am also a Lieutenant with the Sterling Heights Fire Department, where I have worked for the last 18 years.

I am here today to speak in support of SB 94.

First of all, I would like to thank Chairman Jones and committee members for the opportunity to appear before you this afternoon to testify in support of this legislation which is critically important to Michigan's firefighters and their families.

I also want to thank Senator Rocca for introducing this legislation and also all of the other co-sponsors of SB 94 for their support.

Fire Fighters are the first responders to all types of emergency situations that occur in communities all across Michigan every day.

We respond to and mitigate emergencies ranging from residential and commercial fires, vehicle fires, hazardous materials emergencies, medical emergencies, and almost any other type of emergency situation that may arise.

Many times this brings us face to face with unknown exposures – often occurring in uncontrolled, dangerous environments – and to toxic chemicals, fumes, and smoke which are a routine part of many emergency operations.

Because of these exposures, there is a need to recognize the increased risk of cancer is a very real part of our jobs. Many studies have proven over the years that fire fighters are at a higher risk level for cancer than other workers or the general population.

The purpose of SB 94 is to amend the Workers Compensation Act.

It will add seven (7) cancers – as a third element to the already existing heart and lung presumption – that scientific evidence has connected to firefighter exposures while performing their jobs.

Adding cancer would simply make it an occupationally related disability, unless there was evidence to the contrary. Employers could still use evidence of smoking or other non-job related exposures to prove that it wasn't from the job.

Thirty-Three (33) States have adopted Cancer Presumptive legislation protecting firefighters and their families. Ten of them in the last 4 years. This is not a partisan issue, as states such as Alabama, Louisiana and Kansas, to name a few, have adopted cancer presumption language in addition to states such as New York and California. All of these states have looked at the research and made the decision to support their fire fighters. And none of the thirty three states have experienced the cost increases anywhere near what opponents to this bill have claimed.

We are not here to say that we are the only group at risk. But we do know that our occupation continually takes us into situations of high exposure to toxic substances. And when we deal with these toxic substances, it is under extremely volatile and hazardous conditions.

Thankfully, this bill before you today will not impact a large number of cases in Michigan. Many fire fighters are already covered by disability pensions and many beat cancer and make it back to the job.

This bill will only affect fire fighters who are not covered by disability pensions or are denied coverage by their pension system.

As to the financial impact on the workers compensation system, it will be miniscule as demonstrated by over forty years of experience with the Heart and Lung Presumption for firefighters and police officers that is in the current law.

There is no data to indicate that costs of the Heart and Lung Presumption provisions of the Workers Comp Act have increased premiums for communities. And additionally the heart and lung presumption covers all of fire and police, while the proposed cancer presumption will only apply to fire fighters, resulting in an even smaller impact to the system.

We fully understand that we are in a dangerous business. But we also know that firefighters are exposed to chemical-induced cancers while performing their duties. Chemical testing of smoke from fires confirms that there are carcinogens in the smoke of every fire we fight. These substances include:

Benzenes, Chloroform, soot, styrene, formaldehyde and cyanides to name a few. Even though we wear protective clothing to protect us from the heat and from breathing the smoke, it still permeates our skin. This is something that we cannot stop. It is a reality we face every time we do our job.

Unlike an injury such as a broken leg which is easy to prove happened on the job, cancer is very difficult to prove due to the fact that it is a cumulative disease that occurs after repeated exposures. This is why a presumption is needed.

There are not many cases of fire fighters contracting cancer although when they do it's usually someone much younger and healthier than what is normally seen. In many cases, the fire fighter is able to successfully beat the cancer and ultimately return to work. All we are asking for, in those few cases, is that the workers compensation act becomes the last refuge for disabled fire fighters and their families affected by the cancers know to be from the job.

Past legislatures, which adopted current heart and lung presumption provisions, also understood that we are in a unique and dangerous business.

A similar bill was passed by both the House and the Senate with large bipartisan support which in the end was vetoed by Governor Engler. He stated that he wanted more research done to prove the connection. He commissioned a study that did come back and prove that there is a direct connection with on the job exposure and the cancers listed. Sadly, the bill had already been vetoed.

That's why we ask for your support in voting for this legislation which will finally provide a level of protection for fire fighters and their families.

Thank you for this opportunity to testify before your committee today. And I would be glad to answer any questions you may have.

